

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

The Guardian Insurance	:	
&Annuity Company, Inc.	:	
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	
	:	
Sandra C. Brock	:	NO. 02-CV-4706
and	:	
Linda M. Hohl	:	
	:	
Defendants	:	

**SANDRA C. BROCK'S RESPONSE TO LINDA M. HOHL'S
REQUEST FOR ENTRY OF JUDGMENT BY DEFAULT**

Cross-claimant, Sandra C. Brock, files her Response to Linda M. Hohl's Request for Entry of Judgment by Default and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted in part, denied in part. It is admitted that Rule 12 of the Federal Rules of Civil Procedure provides that an Answer to a Cross-claim be filed within 20 days of service of the pleading. It is denied that Sandra C. Brock's Answer was due on October 2, 2002.
4. Denied. Sandra C. Brock filed her Answer via United Parcel Service over-night delivery on December 30, 2002.
5. Admitted.
6. No response is required.

NEW MATTER

7. On October 22, 2002, during a telephonic status conference, Judge McLaughlin permitted Sandra C. Brock additional time in which to file her response to Linda M. Hohl's Cross-claim.
8. Sandra C. Brock's Answer and Counter-claim was inadvertently filed in counsel's file rather than being filed with the Clerk of Court.
9. Sandra C. Brock, or her counsel, did not receive prior notice of Linda M. Hohl's intention to request a Judgment by Default.
10. Counsel for Linda M. Hohl never notified counsel for Sandra C. Brock that he did not receive Ms. Brock's responsive pleading.
11. Sandra C. Brock has expended significant sums of money on an expert who is currently conducting an investigation and performing tests regarding this matter.
12. The Court's Scheduling Order dated October 22, 2002 will not need a modification as a result of the timing of Ms. Brock's Answer and Counter-claim.
13. Linda M. Hohl will not be prejudiced by the denial of her request for Judgment by Default.

Respectfully submitted,

VALOCCHI, FISCHER & LAVERTY, LLC

BY: _____
Bruce W. Laverty, Esquire
Attorney for Sandra C. Brock